

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAHARRAH DAVIS,
Plaintiff,

v.

CITY OF PHILADELPHIA, et al.,
Defendants.

:
:
:
:
:
:
:

CIVIL ACTION
NO.: 18-0668

ORDER

AND NOW, this 11th day of January, 2019, upon consideration of Plaintiff's Amended Complaint (ECF No. 4), Defendants' Motion to Dismiss, (ECF No. 6), and Plaintiff's Response in opposition thereto, (ECF No. 7), it is hereby **ORDERED** that said Motion is **GRANTED**, in part, and **DENIED**, in part, as follows:

1. Defendants' Motion to Dismiss Plaintiff's sole claim under Title II of the American with Disabilities Act against Defendant Police Officer James Keith and Defendant Sergeant Nicholas Cione, Jr. (the "Defendant Officers") in their individual capacities is **GRANTED**. Plaintiff's claim against the Defendant Officers is **DISMISSED WITH PREJUDICE**;
2. Defendants' Motion to Dismiss Plaintiff's sole claim under Title II of the American with Disabilities Act against Defendant City of Philadelphia, Defendant Police Officer James Keith, in his official capacity, and Defendant Sergeant Nicholas Cione, Jr., in his official capacity, is **DENIED**.
3. Plaintiff's request for punitive damages against the remaining Defendants: the City of Philadelphia, Defendant Police Officer James Keith, in his official capacity, and Defendant Sergeant Nicholas Cione, Jr., in his official capacity, is **BARRED** as a matter of law.

BY THE COURT:

/s/ C. Darnell Jones, II

C. DARNELL JONES, II J.